

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

YOIL WEINGARTEN, SHMIEL WEINGARTEN,
and YAKOV WEINGARTEN,

Defendants.

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S3 19-CR-497 (06) (07) (08) (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

On September 28, 2021, Defendants Shmiel, Yakov, and Yoil Weingarten were charged by superseding indictment with, *inter alia*, various counts of international kidnapping and conspiracy to commit international parental kidnapping. (ECF No. 358.) Defendants were charged with six other co-defendants, Defendants Nachman Helbrans, Mayer Rosner, Aron Rosner, Jacob Rosner, Matityau Moshe Malka, and Mordechay Malka (together, the “Former Defendants”), whose cases have all reached a disposition. On May 10, 2022, the Court granted Defendants Shmiel and Yakov Weingarten’s request to proceed *pro se* and appointed Criminal Justice Act (“CJA”) counsel as standby counsel. (ECF Nos. 622, 623.) On November 2, 2022, the Court did the same for Yoil Weingarten. (ECF No. 767.) On March 10, 2023, the Court scheduled a four-week jury trial for February 27, 2024, and ordered Defendants to file pretrial motions by May 25, 2023. (Minute Entry dated 03/10/2023.)

Between May 2023 and November 2023, the Court granted Defendants several extensions to file their pre-trial motions, ultimately setting a final deadline of November 15, 2023. (ECF Nos. 854, 868, 874, 882.) On November 15, 2023, in lieu of filing pre-trial motions, Defendants filed identical letter motions again raising the issue of “limited internet access, translation software and printing capabilities.” (ECF Nos. 903, 904, and 909.) Defendants also “adopt[ed] *all* legal

arguments (not the facts) advanced by the other co-defendants, including but not limited to the arguments mentioned in ECF Nos. 123, 133, 190, 191, 316-320, and 544.” (*Id.*) (emphasis in original). Defendants are referring to the Former Defendants’ pretrial motions to dismiss the indictment and orders directing various pre-trial disclosures (ECF Nos. 131, 133, 190, 191); letters from the Former Defendants setting forth pre-trial motions they intend to file (ECF Nos. 316-320); and Defendants Matityau Malka and Mordechay Malka’s motion to dismiss the indictment and reply to the Government’s opposition to their motion in limine. (ECF No. 544.) In light of Defendants’ *pro se* status, the Court directed the Government to respond, and the Government did so on November 17, 2023. (ECF No. 912.)

While the Court held that Defendants’ deadline for filing pre-trial motions expired, the Court permitted Defendants to adopt the legal arguments it outlined in their letter motions dated November 15, 2023. (ECF No. 924.) The Court again afforded the Government the opportunity to respond, and it did so via a memorandum dated December 11, 2023. The Government argues (1) the Court should adhere to its prior rulings under the law of the case doctrine; (2) to the extent the Defendants are making new arguments, they should be rejected as “made only in passing”; and (3) the Court’s prior rulings were correct on the merits. (ECF No. 924, “Gov’t Mem.” at 1-3.)

The Court has repeatedly addressed Defendants’ assertions regarding access to resources and adheres to its prior Orders. Regarding those arguments that Defendants raise by incorporating by reference the previous motions filed by their co-defendants, the Court has already ruled on those motions and Defendants fail to provide any supplementary arguments. The Court thus adheres to its prior rulings from each of such motions. (ECF Nos. 287, 309, 625.)

Accordingly, the Court DENIES Defendants’ motion.

Standby Counsel are directed to serve a copy of this endorsement on their respective *pro se* Defendant by any means necessary and to file proof of service.

Dated: February 12, 2024
White Plains, New York

SO ORDERED:


NELSON S. ROMÁN
United States District Judge